

113TH CONGRESS
1ST SESSION

S. 343

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 14, 2013

Mr. REID (for himself and Mr. HELLER) introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To provide for the conveyance of certain Federal land in Clark County, Nevada, for the environmental remediation and reclamation of the Three Kids Mine Project Site, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Three Kids Mine Re-
5 mediation and Reclamation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) FEDERAL LAND.—The term “Federal land”
2 means the approximately 948 acres of Bureau of
3 Reclamation and Bureau of Land Management land
4 within the Three Kids Mine Project Site, as depicted
5 on the map.

6 (2) HAZARDOUS SUBSTANCE; POLLUTANT OR
7 CONTAMINANT; REMEDY.—The terms “hazardous
8 substance”, “pollutant or contaminant”, and “rem-
9 edy” have the meanings given those terms in section
10 101 of the Comprehensive Environmental Response,
11 Compensation, and Liability Act of 1980 (42 U.S.C.
12 9601).

13 (3) HENDERSON REDEVELOPMENT AGENCY.—
14 The term “Henderson Redevelopment Agency”
15 means the redevelopment agency of the City of Hen-
16 derson, Nevada, established and authorized to trans-
17 act business and exercise the powers of the agency
18 in accordance with the Nevada Community Redevel-
19 opment Law (Nev. Rev. Stat. 279.382 to 279.685).

20 (4) MAP.—The term “map” means the map en-
21 titled “Three Kids Mine Project Area” and dated
22 February 6, 2012.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of the Interior.

1 (6) STATE.—The term “State” means the State
2 of Nevada.

3 (7) THREE KIDS MINE PROJECT SITE.—The
4 term “Three Kids Mine Project Site” means the ap-
5 proximately 1,262 acres of land that is—

6 (A) comprised of—

7 (i) the Federal land; and

8 (ii) the approximately 314 acres of
9 adjacent non-Federal land; and

10 (B) depicted as the “Three Kids Mine
11 Project Site” on the map.

12 **SEC. 3. LAND CONVEYANCE.**

13 (a) IN GENERAL.—Notwithstanding sections 202 and
14 203 of the Federal Land Policy and Management Act of
15 1976 (43 U.S.C. 1712, 1713), not later than 90 days after
16 the date on which the Secretary determines that the condi-
17 tions described in subsection (b) have been met, and sub-
18 ject to valid existing rights and applicable law, the Sec-
19 retary shall convey to the Henderson Redevelopment
20 Agency all right, title, and interest of the United States
21 in and to the Federal land.

22 (b) CONDITIONS.—

23 (1) APPRAISAL; FAIR MARKET VALUE.—

24 (A) IN GENERAL.—As consideration for
25 the conveyance under subsection (a), the Hen-

1 derson Redevelopment Agency shall pay the fair
2 market value of the Federal land, if any, as de-
3 termined under subparagraph (B) and as ad-
4 justed under subparagraph (F).

5 (B) APPRAISAL.—The Secretary shall de-
6 termine the fair market value of the Federal
7 land based on an appraisal—

8 (i) that is conducted in accordance
9 with nationally recognized appraisal stand-
10 ards, including—

11 (I) the Uniform Appraisal Stand-
12 ards for Federal Land Acquisitions;
13 and

14 (II) the Uniform Standards of
15 Professional Appraisal Practice; and

16 (ii) that does not take into account
17 any existing contamination associated with
18 historical mining on the Federal land.

19 (C) REMEDIATION AND RECLAMATION
20 COSTS.—

21 (i) IN GENERAL.—The Secretary shall
22 prepare a reasonable estimate of the costs
23 to assess, remediate, and reclaim the Three
24 Kids Mine Project Site.

(ii) CONSIDERATIONS.—The estimate prepared under clause (i) shall be—

(I) based on the results of a comprehensive Phase II environmental site assessment of the Three Kids Mine Project Site prepared by the Henderson Redevelopment Agency or designee that has been approved by the State; and

(II) prepared in accordance with the current version of the ASTM International Standard E-2137-06 entitled "Standard Guide for Estimating Monetary Costs and Liabilities for Environmental Matters".

(iii) ASSESSMENT REQUIREMENTS.—

The Phase II environmental site assessment prepared under clause (ii)(I) shall, without limiting any additional requirements that may be required by the State, be conducted in accordance with the procedures of—

(I) the most recent version of ASTM International Standard E-1527-05 entitled "Standard Practice

1 for Environmental Site Assessments;
2 Phase I Environmental Site Assess-
3 ment Process”; and

10 (iv) REVIEW OF CERTAIN INFORMATION.—
11

(E) APPRAISAL COSTS.—The Henderson
Redevelopment Agency shall reimburse the Secretary for the costs incurred in performing the appraisal under subparagraph (B).

1 been executed in accordance with subparagraph
2 (B); and

3 (ii) the Secretary concurring, by the
4 date that is 30 days after the date of re-
5 ceipt of the written notification under
6 clause (i), that the requirements under
7 subparagraph (B) have been met.

8 (B) REQUIREMENTS.—The mine remedi-
9 ation and reclamation agreement required
10 under subparagraph (A) shall be an enforceable
11 consent order or agreement between the State
12 and a party obligated to perform under the con-
13 sent order or agreement administered by the
14 State that—

15 (i) obligates a party to perform, after
16 the conveyance of the Federal land under
17 this Act, the remediation and reclamation
18 work at the Three Kids Mine Project Site
19 necessary to ensure all remedial actions
20 necessary to protect human health and the
21 environment with respect to any hazardous
22 substances, pollutant, or contaminant will
23 be taken, in accordance with all Federal,
24 State, and local requirements; and

(3) NOTIFICATION FROM AGENCY.—As a condition of the conveyance under subsection (a), not later than 90 days after the date of execution of the mine remediation and reclamation agreement required under paragraph (2), the Henderson Redevelopment Agency shall submit to the Secretary written notification that the Henderson Redevelopment Agency is prepared to accept conveyance of the Federal land under subsection (a).

14 SEC. 4. WITHDRAWAL.

15 (a) IN GENERAL.—Subject to valid existing rights,
16 for the 10-year period beginning on the earlier of the date
17 of enactment of this Act or the date of the conveyance
18 required by this Act, the Federal land is withdrawn from
19 all forms of—

(1) entry, appropriation, operation, or disposal under the public land laws;

22 (2) location, entry, and patent under the mining
23 laws; and

(3) disposition under the mineral leasing, mineral materials, and the geothermal leasing laws.

1 (b) EXISTING RECLAMATION WITHDRAWALS.—Sub-
2 ject to valid existing rights, any withdrawal under the pub-
3 lic land laws that includes all or any portion of the Federal
4 land for which the Bureau of Reclamation has determined
5 that the Bureau of Reclamation has no further need under
6 applicable law is relinquished and revoked solely to the ex-
7 tent necessary—

8 (1) to exclude from the withdrawal the property
9 that is no longer needed; and
10 (2) to allow for the immediate conveyance of
11 the Federal land as required under this Act.

12 (c) EXISTING RECLAMATION PROJECT AND PER-
13 MITTED FACILITIES.—Except as provided in subsection
14 (a), nothing in this Act diminishes, hinders, or interferes
15 with the exclusive and perpetual use by the existing rights
16 holders for the operation, maintenance, and improvement
17 of water conveyance infrastructure and facilities, including
18 all necessary ingress and egress, situated on the Federal
19 land that were constructed or permitted by the Bureau
20 of Reclamation before the effective date of this Act.

21 **SEC. 5. ACEC BOUNDARY ADJUSTMENT.**

22 Notwithstanding section 203 of the Federal Land
23 Policy and Management Act of 1976 (43 U.S.C. 1713),
24 the boundary of the River Mountains Area of Critical En-
25 vironmental Concern (NVN 76884) is adjusted to exclude

1 any portion of the Three Kids Mine Project Site consistent
2 with the map.

3 **SEC. 6. RESPONSIBILITIES OF THE PARTIES.**

4 (a) **RESPONSIBILITY OF PARTIES TO MINE REMEDI-
5 ATION AND RECLAMATION AGREEMENT.**—On completion
6 of the conveyance under section 3, the responsibility for
7 complying with the mine remediation and reclamation
8 agreement executed under section 3(b)(2) shall apply to
9 the parties to the agreement.

10 (b) **SAVINGS PROVISION.**—If the conveyance under
11 this Act has occurred, but the terms of the agreement exe-
12 cuted under section 3(b)(2) have not been met, nothing
13 in this Act—

14 (1) affects the responsibility of the Secretary to
15 take any additional response action necessary to pro-
16 tect public health and the environment from a re-
17 lease or the threat of a release of a hazardous sub-
18 stance, pollutant, or contaminant; or

19 (2) unless otherwise expressly provided, modi-
20 fies, limits, or otherwise affects—

21 (A) the application of, or obligation to
22 comply with, any law, including any environ-
23 mental or public health law; or

24 (B) the authority of the United States to
25 enforce compliance with the requirements of

1 any law or the agreement executed under sec-
2 tion 3(b)(2).

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